

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	
MOISES MENDEZ,	:
	:
Plaintiff,	:
	:
v.	:
	:
STARWOOD HOTELS & RESORTS	:
WORLDWIDE, INC.	:
	:
Defendant.	:
-----X	

08 Civ. 4967 (CM)(KNF)

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

**AFFIDAVIT OF MOISES MENDEZ
IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

MOISES MENDEZ, being duly sworn, deposes and states as follows:

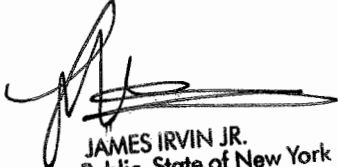
1. I am the Plaintiff in the above-captioned action. I make this affidavit in opposition to the motion by Defendant to dismiss my case from federal court.
2. I recognize the document attached hereto as Exhibit 1.
3. On April 13, 2004, Executive Chef David Ribbens, who was my supervisor at the Westin Hotel in Times Square (the "Hotel"), gave me a copy of Exhibit 1 and asked me to sign it when I was at my station working in the hotel kitchen.
4. Before April 13, 2004, Chef Ribbens asked me many times to agree to change my position from a Food Runner to a Baker at the Hotel but I declined to do so because I wanted to remain as a Food Runner and did not want to change my schedule to become a Baker.
5. On April 13, 2004, Chef Ribbens approached me in the kitchen and promised that if I would sign the letter and agree to become a Baker for three months, he would let me pick any

work schedule that I wanted at the end of those three months and continue working as a Baker at the Hotel.

6. When I agreed to follow Chef Ribbens' plan and signed Exhibit 1, I did not know that this letter meant my agreement that I could not bring a case to court and could only go to "arbitration" if the Hotel discriminated or retaliated against me.

Dated: New York, New York
July 11, 2008


Moises Mendez


JAMES IRVIN JR.
Notary Public, State of New York
No. 011R6140071
Qualified in New York County
Commission Expires Jan. 17, 2010